

Ajay

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 13013 OF 2025

Bhaga Hasa Shelke

.. Petitioner

Versus

State of Maharashtra,
Through its Hon'ble Minister, Revenue and
Forest Department and Ors.

.. Respondents

.....

- Mr. Sumedh S. Modak, Advocate for Petitioner.
- Mr. N.C. Walimbe a/w. Ms. Sulbha Chipade, AGPs for the State.

.....

CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 05, 2026.

P.C.:

1. Heard Mr. Modak, learned Advocate for Petitioner and Mr. Walimbe, learned AGP for Respondent – State.

2. It is seen that the order dated 06.06.2025 passed by the Sub-Divisional Officer (for short '**SDO**'), Karjat in RTS proceedings No.106 of 2025 filed by private Respondents condones the delay of 36 years and 2 months to maintaining a challenge in Mutation Entry No.1114 dated 12.10.1988. By virtue of the partition effected between Petitioner and private Respondents, Mutation Entry dated 12.12.1988 came to be effected. Since the private Respondents have challenged the Mutation Entry and filed the Statutory Appeal to the same after 36 years, the Petitioner being aggrieved has challenge the order condoning the delay before the State in Revision proceedings.

3. However during pendency of the said Revision proceedings, Mr. Modak would inform the Court that in the meanwhile, the SDO has heard the Statutory Appeal against the Mutation Entry and closed the RTS Application No.106 of 2025 for orders. He would submit that if a final order is passed in RTS Application No.106 of 2025, Revision Application filed by Petitioner against the order condoning delay of 36 years shall become redundant and it will lead to multiplicity of proceedings. Hence he would persuade the Court to pass appropriate orders.

4. In the facts of the above case, SDO is directed not to declare the final order in RTS proceedings No.7 of 2025 which he has heard and closed for orders for the present and until the Revision Application appended at Exhibit 'D' – page No.30 of the Petition which is filed on 22.07.2025 is decided by the State.

5. Needless to state that the State shall hear the Petitioner and private Respondents both before deciding the said Revision Application and pass an appropriate reasoned speaking order in accordance with law. The Revision Application is filed on 15.07.2025 as can be seen from Exhibit 'D'.

6. Mr. Modak has informed that Revision Application has been served on the private Respondents. The State shall ensure that an appropriate hearing is given to the Petitioner and private Respondents

and only thereafter it shall pass speaking order in the Revision proceeding and after the same is passed, copy of the same shall be sent to the SDO for taking further steps. In the event if the said order is adverse to the Petitioner, for a period of two weeks from the date of the order, no steps shall be taken by the SDO to enable the Petitioner to take appropriate steps as available to Petitioner in law. Equally, if the Revision is allowed, SDO shall take appropriate steps as determined and directed by the State.

7. All contentions of the Petitioner and private Respondents are expressly kept open.

8. It is clarified that this Court has not given its imprimatur on the merits of the matter.

9. Copy of this order shall be conveyed to the concerned SDO by the learned AGP.

10. Writ Petition is disposed in the above terms.

[MILIND N. JADHAV, J.]

Ajay

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signed by AJAY
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